EXHIBIT 12

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1	UNITED STATES DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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5	IN RE: HIGH-TECH EMPLOYEE)
6	ANTITRUST LITIGATION) No. 11-CV-2509-LHK
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9	HIGHLY CONFIDENTIAL
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11	VIDEOTAPED DEPOSITION OF EDWARD LEAMER
12	San Francisco, California
13	Friday, October 26, 2012
14	Volume I
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16	
17	
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19	
20	Reported by:
21	ASHLEY SOEVYN
22	CSR No. 12019
23	Job No. 1545691
24	
25	PAGES 1 - 476
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DEF MR. PICKETT: 08:23:26 Q. It refers to a reliable class-wide or formulaic method. Do you see that? A. I do see that. Q. And do you not think that's class that's A. Well, I am not a lawyer, I don't know Whether I want to put words into your mouth or into An attorney's mouth, but these are the words that I took to be my task and I followed that out. Q. Your conduct regressions go to step one, WR. GLACKIN: Objection, vague. MR. GLACKIN: Objection, vague. MR. PICKETT: Q. No? A. They contribute to the argument, one of the things that contributes, but the conduct regressions that use the conduct variable, that has regressions that use the conduct variable, that has amount of suppression of compensation, which was West-24:00 task b. Q. When you say, "all or most members of each OR:23:410 Page 26			
Q. It refers to a reliable class-wide or 08:23:26 formulaic method. Do you see that? 08:23:29 A. I do see that. 08:23:30 Q. And do you not think that's class that's 08:23:31 a proof common to the class? 08:23:33 A. Well, I am not a lawyer, I don't know 08:23:35 whether I want to put words into your mouth or into 08:23:38 an attorney's mouth, but these are the words that I 08:23:42 took to be my task and I followed that out. 08:23:43 Q. Your conduct regressions go to step one, 08:23:45 correct? 08:23:48 MR. GLACKIN: Objection, vague. 08:23:48 THE WITNESS: No. 08:23:49 BY MR. PICKETT: 08:23:54 A. They contribute to the argument, one of the 08:23:55 things that contributes, but the conduct 08:23:57 regressions if you're talking about the 08:23:59 regressions that use the conduct variable, that has 08:24:00 to do with the formulaic method of estimating the 08:24:03 amount of suppression of compensation, which was 08:24:06 task b. 08:24:09 Q. When you say, "all or most members of each 08:24:10	1	common proof, so I'm not sure.	08:23:23
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Page 26	25	Q. When you say, "all or most members of each	08:24:10
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1	class" in the end of 10a, do you see that there?	08:24:12
2	A. I do.	08:24:16
3	Q. What do you mean by "most"?	08:24:18
4	A. You want me to give a percentage?	08:24:26
5	Q. Well, what did you have in mind when you	08:24:28
6	were answering that question?	08:24:34
7	A. Well, to argue that all absolutely all	08:24:35
8	members of the class are going to be affected	08:24:38
9	because of theoretical frameworks are identified and	08:24:41
10	because of data analysis I identified, that seems,	08:24:45
11	to me, to be a difficult argument.	08:24:49
12	But to make the argument most members of	08:24:51
13	the class would be affected, that would say that	08:24:53
14	the that the conceptual framework certainly speak	08:24:56
15	to that point.	08:25:00
<mark>16</mark>	Q. Is most 51 percent?	08:25:02
<mark>17</mark>	A. No, if you want a number, I would say 95	08:25:04
18	percent.	08:25:06
19	Q. 95 percent. What do you base that on?	08:25:07
20	A. It's an interpretation of the English	08:25:10
21	language. It's kind of like in a legal setting what	08:25:12
22	is proof? Proof beyond a reasonable doubt, what	08:25:16
23	percentage is it? It's a vague concept.	08:25:22
24	So please understand that I regard the word	08:25:23
25	"most" to be a vague word that is not actually	08:25:25
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1	translatable into a specific numerical fraction.	08:25:27
2	And I felt compelled to provide that fraction	08:25:32
3	because of the you suggested the 50, and I did	08:25:35
4	not think it was appropriate to use a number like	08:25:37
5	50. I would say it's much more than 50. You could	08:25:40
6	have suggested a number that I regarded me much	08:25:43
7	more. And you can ask me what I mean by much more.	08:25:45
8	The point is language is vague.	08:25:49
9	Q. Do you have an expert opinion that at least	08:25:51
10	95 percent of the class members suffered a reduction	08:25:53
11	in compensation?	08:25:57
12	A. Well, I would say most members of each	08:25:59
13	class suffered a reduction in compensation.	08:26:01
14	Q. What do you mean by "most," when you say	08:26:04
15	when you restate your opinion?	08:26:05
16	A. Well, I would prefer not to say a specific	08:26:08
17	number, like 95 percent, because that suggests a	08:26:10
18	precision that this that the evidence does not	08:26:14
19	support. You're not going to be I can't point to	08:26:16
20	the 5 percent that didn't weren't impacted and	08:26:20
21	the 95 who were.	08:26:23
22	So I'm saying that this is a setting in	08:26:25
23	which the forces would spread the harm across	08:26:28
24	everybody in a firm, my presumption is that in	08:26:32
25	fact, everybody has been impacted by the conspiracy.	08:26:35
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1	STATE OF CALIFORNIA) ss:
2	COUNTY OF MARIN)
3	
4	I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5	certify:
6	That the foregoing deposition testimony was
7	taken before me at the time and place therein set
8	forth and at which time the witness was administered
9	the oath;
10	That the testimony of the witness and all
11	objections made by counsel at the time of the
12	examination were recorded stenographically by me,
13	and were thereafter transcribed under my direction
14	and supervision, and that the foregoing pages
15	contain a full, true and accurate record of all
16	proceedings and testimony to the best of my skill
17	and ability.
18	I further certify that I am neither counsel for
19	any party to said action, nor am I related to any
20	party to said action, nor am I in any way interested
21	in the outcome thereof.
22	IN THE WITNESS WHEREOF, I have transcribed my
	name this 29th day of October, 2012.
23	
24	
25	ASHLEY SOEVYN, CSR No. 12019
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